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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,122	01/29/2002	Philip B. Sample	00167-455001	3500

7590

10/19/2005

JOEL R. PETROW  
Smith & Nephew, Inc.  
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EXAMINER

BAXTER, JESSICA R

ART UNIT

PAPER NUMBER

3733

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/058,122

EXAMINER

ART UNIT

PAPER

10172005

DATE MAILED:

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**Commissioner for Patents**

1. The reply filed on February 10, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required to elect a species and several subspecies. Applicant points out that claims 1, 2, 5-7, 11-13, 15-23, and 27-37 are generic. All of these claims are not generic to all species and therefore are not considered to be generic. In addition, applicant elected subspecies 3b(i) and then selected all claims that read on 3b(i) and 3b(ii). Applicant indicates that these are the same species. If the applicant believes that a cut is the same as two cuts, then applicant should also elect one of the further subspecies within subspecies 3b(ii). If applicant believes that these subspecies within subspecies 3b(ii) are not separate species, then the applicant should indicate that in the response. As pointed out in the Restriction requirement, a reply to the restriction requirement must include an identification of the species that is elected consonant with this requirement, and a list of all claims readable thereon. If applicant traverses on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R. Baxter whose telephone number is 571-272-4691. The examiner can normally be reached on M-F 8:30AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter  
Examiner  
Art Unit 3733

  
jrb  
**EDUARDO C. ROBERT**  
PRIMARY EXAMINER